

Amendments to Senate Bill No. 94
1st Reading Copy

Requested by Senator Kelly Gebhardt

For the Senate Natural Resources Committee

Prepared by Joe Kolman
February 4, 2009 (2:16pm)

1. Title, line 11.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

2. Page 1, line 22.

Following: "(2)"

Insert: "(a)"

3. Page 1.

Following: line 23

Insert: " (b) For the purposes of this section, nonconsumptive
use means a beneficial use of water that:

(i) does not cause a reduction in the source of supply;

(ii) returns substantially all of the water to the source of
supply; and

(iii) causes little or no disruption in ground water or
stream conditions."

4. Page 2, line 23.

Following: "~~if any,~~"

Insert: "if any,"

Following: "amount,"

Insert: "location, and"

Strike: ",and location"

Following: "of"

Insert: "any"

5. Page 2, line 24.

Strike: "potentially affected"

Following: "area"

Insert: "described in subsection (2)(a)"

6. Page 3.

Following: line 7

Insert: "(2) A hydrogeologic assessment that will be used to
predict net depletion of surface water resulting from a new
appropriation right must include hydrogeologic data or a
model that includes:

(a) the area or estimated area of ground water that will be
affected, not to exceed the boundaries of the drainage

subdivisions established by the office of water data coordination, United States geological survey, and used by the water court, unless the applicant chooses to expand the boundaries;

(b) the geology of the area identified in subsection (2)(a), including stratigraphy and structure;

(c) the parameters of the aquifer system within the area identified in subsection (2)(a) that is assessed in the data or model;

(d) the locations of surface waters within the area described in subsection (2)(a) that are subject to an appropriation right, including but not limited to springs, creeks, streams, or rivers that may or may not show a net depletion;

(e) evidence of water availability; and

(f) the locations of all wells or other sources of ground water of record within the area identified in subsection (2)(a)."

7. Page 4.

Following: line 7

Insert: "(3) The hydrogeologic assessment must include an analysis of whether the information required by subsection (2) predicts that there may be a net depletion of surface water in the area described in subsection (2)(a) and the extent of the depletion, if any."

Renumber: subsequent subsections

8. Page 4, line 9.

Following: "data,"

Insert: "the monitoring well data,"

9. Page 5, line 3.

Strike: subsection (c) in its entirety

Renumber: subsequent subsections

10. Page 5, line 27.

Following: "vegetation"

Insert: "for which there is not an associated water right"

11. Page 5, line 30.

Following: "water."

Insert: "This subsection does not apply to actions that increase the efficiency of existing conveyance structures."

12. Page 8, line 27.

Following: "(iv)"

Insert: "that portion of a change in appropriation right to instream flow for"

13. Page 9, line 3.

Following: "or"

Insert: "that portion of a change in appropriation right to
instream flow for"

14. Page 14.

Following: line 17

Insert: "NEW SECTION. Section 11. Applicability. [This act]
applies to applications received by the department after [the
effective date of this act]."

- END -